IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MACON COUNTY INVESTMENTS, INC.; REACH ONE, TEACH ONE OF AMERICA, INC.,	)
Plaintiffs,	)**Case Number: 06-CV-224-WKW**
v.	)
SHERIFF DAVID WARREN, in his official capacity as the SHERIFF OF MACON COUNTY, ALABAMA,	)
Defendant.	)

CIVIL SUBPOENA PURSUANT TO RULE 45, FRCP

To: Macon County Greyhound Park, Inc.
d/b/a VictoryLand
Attn: Milton McGregor
P.O. Box 128
Interstate 85, Exit 2
Shorter, AL. 36057

__________ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY: COURTROOM: DATE AND TIME:

____XXX____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

DATE: Thursday, April 19, 2007

TIME: 10:00 a.m.

PLACE: THOMAS, MEANS, GILLIS & SEAY, P.C.
3121 Zelda Court
Post Office Drawer 5058
Montgomery, Alabama 36103-5058

EXHIBIT "A"

__XXX___ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified directly above (list documents or objects):

1. A full accounting of all revenue received by the nonprofit organizations which hold Class B Bingo licenses that the corporation has entered into agreements with related to the operation of Bingo games, including the dates the revenue was received, the amount, and what organizations received the revenue.

2. Documentation which reflects the corporate structure of Macon County Greyhound Park, Inc, including the current officers of the corporation; divisions and/or departments; the name and title of the person or persons who manage each department or division; and their job duties and/or responsibilities.

3. Documentation which reflects the current ownership of the corporation, including the names of all shareholders, and their percentage of ownership.

4. A full accounting of all revenue generated from the operation of the Bingo games since the corporation first entered into agreements with organizations holding Class B Bingo licenses.

5. All reports, communications (meaning letters, memoranda, emails, telegrams, phone messages, facsimiles, or correspondence of any kind), and accountings to and from the Sheriff of Macon County or his office regarding bingo gaming operations, receipts and distributions since 2003.

__________ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES: DATE AND TIME:

_XXX____ Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedures, 30(b)(6).

Respectfully submitted,

KENNETH L. THOMAS
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Attorneys for Plaintiff

OF COUNSEL:

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OF COUNSEL:

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Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon all counsel of record via U.S. Mail on this the 19 day of March, 2007.

Fred D. Gray
Fred D. Gray, Jr.
GRAY, LANGFORD, SAPP,
MCGOWAN, GRAY & NATHANSON
P.O. Box 830239
Tuskegee, Alabama 36083-0239
(334) 727-4830 (phone)
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OF COUNSEL

Rule 45, Federal Rules of Civil Procedure, Parts C&D:

(c) PROTECTION OF PERSON SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and coy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall

such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(D) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall

protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule

produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.